



## **COMMUNITY DEVELOPMENT DEPARTMENT**

***Planning, Zoning and Building Safety***

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*Carlos De La Torre, P.E., Director*

### **MINUTES**

TO: Board of Adjustment, District 3

FROM: Keith Dennis, Senior Planner

SUBJECT: Minutes of the Regular Meeting of May 8, 2012

DATE: June 22, 2012

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#### **MEMBERS PRESENT**

Paul Brick, Chairman  
Shawn Wales, Vice Chairman

#### **STAFF PRESENT**

Keith Dennis, Senior Planner

#### **OTHERS PRESENT**

Charles Brown (Applicant for Docket BA3-12-05), Joan Brown, Barbara Moe, Robin Peterson.

*The minutes for the BA3 meeting held on May 8, 2012 are complete only when accompanied by the memorandum for that meeting.*

Chairman Paul Brick called the meeting to order at 6:35 p.m. and called the roll, and noting that, since himself and Mr. Wales were present, a quorum was established and business could proceed.

He then called for a motion to approve the minutes of the previous month. Mr. Wales moved to approve the minutes as presented. Mr. Brick offered a correction and clarification of the previous months' minutes and the amended motion carried 2 – 0.

Mr. Brick then called for new business.

#### **NEW BUSINESS**

**Docket BA3-12-05 (Sunsites Community Center):** The Applicant, Sunsites Community Center, requests a Variance to Section 1905.05 of the Zoning Regulations, which prohibits signs that are animated, intermittent or flashing. The Applicant seeks to legitimize an existing LED sign component, which features animated, changing copy.

The subject property (Parcel No. 114-01-053D) is located at 1216 E. Treasure Road in Sunsites, AZ. The Applicant is Charles Brown of the Sunsites Community Center.

Senior Planner Keith Dennis presented the Docket on behalf of the Community Development Director. He spelled out the facts of the case and the basis for the staff recommendation using photos, aerial photos, and maps.

Staff pointed out that the regulations prohibit animated, intermittent or flashing signage, but that time/temperature signs are allowed. He pointed out that most LED signs are programmable and can be animated, flashing, static or a combination of these depending on the needs of the user, and that it is therefore difficult to establish regulations for LED signs in which some changing copy (such as changing time and temperature) is allowed but others (such as intermittent display of community events) is not.

Mr. Dennis also indicated that staff received three statements of support in writing, including one from the neighbor immediately across the street, who has the most direct view of the sign and asked the Board to approve the Variance. He also noted the presence of a number of Sunsites Community Center Board members at the hearing. Mr. Dennis concluded by offering factors in favor of and against approval, and a recommendation of approval without condition.

Chairman Brick opened the public hearing on this Docket. Mr. Charles Brown, representing the Sunsites Community Center. He explained how the Center became aware of the need for the Variance, based on having failed a final inspection due to the intermittent changing copy on the LED sign. He explained that he consulted with each of the neighbors across Treasure Road about their feelings regarding the sign, and that neighbors were supportive of the request. He noted that the biggest complaint from the public with the previous sign was that it was not updated often enough. This prompted the acquisition of the new LED sign, which he said the community relies on for information about ongoing activities at the Community Center. He said the sign is useless without the intermittent copy changing feature, and asked that the Board grant the Variance.

Joan Brown said the Center chose the contractor and sign model that they did due to the needs of the community to have updated information. She said the red color of the LED display was not changeable. She also stated that the community often attends dinners on Wednesday nights and many other activities on a regular basis and that the changing copy allows the neighborhood to stay informed.

Mr. Brick then closed the public hearing and invited comments from the Board. Mr. Wales stated that he concurred with staff and that he interpreted the standard as being contrived to prevent a "Las Vegas-style" flashing sign situation, but that the sign used by the Community Center was benign and he had no problem/

Mr. Brick said that in the City of Benson there is a similar LED sign that features intermittent messages, and that he does not consider this a distraction. He asked that staff take a closer look at this standard during the ongoing Zoning Regulation update.

Mr. Dennis stated that staff was about to embark upon an updating of the County sign code. He indicated that in some of the urban areas along I-10 in Southern Arizona there are videos playing on large signs. He re-iterated that, due to the programmable nature of these LED display signs, to permit a time/temperature sign is to permit the same type sign currently being considered for a Variance.

Mr. Wales moved to approve the Variance, Mr. Brick seconded and the motion passed 2 – 0.

**DIRECTOR'S REPORT:**

Mr. Dennis then provided the Director's Report, informing the Board as to upcoming Dockets on the Planning Commission hearing of the following evening. These included changes to the County Accessory Living Quarters, a solar power generation facility, as well as a multiple-use feed store/gun sales/veterinary clinic. He concluded by stating that the Board would not have any business for the month of June, but would return in July. He briefly described the Dockets that would be considered by the Board of Adjustment in July of 2012.

The meeting was adjourned at 7:05 p.m.